

San Antonio

David Uchoa

Management Team Administrator

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Federal Communications Commission
 Office of the Secretary, 445 12th Street, SW
 Room TW-A325
 Washington D.C. 20554

RECEIVED

JUL 24 2001

FCC MAIL ROOM

In the matter of: Request for Review by Edgewood Independent School District of
 Decision of Universal Service Administrator
 References: CC Docket Nos. 96-45 and 97-21

Dear Sir:

Edgewood Independent School District, San Antonio, Texas 78237 is appealing the USAC Administrator's Decision on Appeal – Funding Year 2001-2002, dated June 26, 2001, Re: Billed Entity Number: 141553; 471 Application Number: 263799, NCS Bar Code: NEC47101-18-0105400110. Our SLD Case Number was 30989 and Entity number was 141553.

The Decision on Appeal was we were Denied in Full because our application failed Minimum Processing Standards.

The two reasons specified for the original rejection were: our state code, TX, was missing and the 1999 form date was not 2000. Our ZIP code 78237 was clearly printed and that is the official government identifier to find our state. As a matter of fact, our notification letter came directly to us with just "San Antonio 78237" in the address. The form date was incorrect, but the forms were valid and all of the data was valid and represented a lot of hard work on the part of our district. The form date was 1999 due to a software glitch in the form filler that did not correct the date element.

We strongly disagree with the decision to deny our submission for these two minor formatting errors. We hold that we should have been notified of these two small errors for rejection and given 24 or 36 hours to provide the corrections, which we did upon notification. The two items cited in the rejection letter were remedied quickly:

- Our software printed all of our factual and correct data using the 1999 dated forms, rather than the 2000. Once we were alerted to this fact, we examined the software and found the new software patch did not take, thereby printing the forms incorrectly. Once notified, we introduced the patch again, and printed the forms out correctly using the same data, which did not change. This was accomplished within one hour of notification.
- Our state name, Texas, did not print out on the original form (although all the rest of the information in 4a did including the Zip code). When we made the patch and ran the form again, we noticed that our state name still did not print out even though it was entered in the text block on the form filler program. This is another glitch that was remedied in one minute by writing TX in the appropriate block.

Our corrected submission was not received or treated as a corrected copy, but relegated to being treated as a new submission. Due to the fact that the SLD administrative efforts to review our initial submission were accomplished after the cut-off date for submissions, our corrected copy was therefore classified as a "new submission" being received after the January 18th window closed. We hold that this determination is not in the spirit of the intent of the law to provide these funds for needy and worthy school districts as ours.

No. of Copies rec'd 0
 List A B C D E

Please do not deny our original submission on the above grounds. The spirit and intent were fulfilled and the errors were readily corrected. We believe this drastic decision to outright reject our submission needs to be tempered and reviewed in light of the circumstances and our willingness to comply so as to be reinstated as of our original submission date. We have reviewed some recent appeals and discuss them below for your information:

- In a February 22, 2001 appeals decision involving the Naperville Community Unit School District 203, Naperville, IL, the FCC agreed with the school district that its application should not have been rejected for failure to meet the SLD's Minimum Processing Standards. In this case, Naperville failed to answer Item 22 on the Year 3 application, in which it was supposed to provide the number of the discount worksheet that applied to a particular funding request. FCC said it must "balance the need to minimize administrative costs, while expediting fair and efficient review of applications." It said that while the Minimum Processing Standards "can serve the important purpose of minimizing the administrative costs of the program," it concluded that the "omission of a response to Item 22 does not merit return of Naperville's entire application under the totality of the circumstances presented here." The factors that it said weighed against the return included the fact that "the information omitted in Item 22 is easily discerned from the remainder of Naperville's Form 471 and the substantial completeness of the remainder of Naperville's FCC Form 471." In addition, the FCC noted that it was "comforted by the fact that review of the record leads us to conclude that Naperville completed every other item on its application for which a response was appropriate. There is not indication that Naperville intended to deceive or mislead SLD by omission."

The SLD concluded that "the administrative cost of accepting Naperville's application under these facts are minimal and are outweighed by the objective of ensuring that schools and libraries benefit from the schools and libraries universal service support mechanism as contemplated by the statute."

We hold that the SLD should NOT have held up our application due to our missing state field (Texas) or because we had the wrong form date because processing our application would have led to the furtherance of the goals of the E-Rate program, namely to extend support needy school districts such as ours. Additionally, the new items in the new forms were not pertinent to our district and all of the data filled in was correct and valid.

We also submit that one of the reasons cited as the basis for rejection was that the state code was missing is flawed and that the application should not be rejected because of the missing State field, was that our state was readily discerned by either the zip code, city or area code, and in fact, the SLD was able to communicate with our district without it via mail (our return rejection notification) and via phone.

- On June 26, 2001, the FCC rejected the appeal of a school district that used the Year 2 application in Year 3, when major changes were made in the form. This case involved the Fair Lawn Board of Education, Fair Lawn, NJ. The FCC cited the administrative burden the SLD faces in the volume of forms it has to review. We bring to your attention that our appeal is distinguished from this one cited on two fronts:

the minimal changes that were made in the Year 4 form involved the discount worksheets for entities other than school districts and the addition of a Service End Date field for non-contracted services. Our Year 4 application for internal connections did not involve either one of these items, so that, in fact, the SLD could have completed your application using the Year 3 form without further contact with Edgewood ISD.

In Year 3 the SLD discussed the proposed changes over a period of nine months, conducted training on the format of the new forms in every state, and provided extensive advance notice that the form would be changed. In Year 4, the SLD provided virtually no advance notice that it was going to change the form in Year 4. State E-rate coordinators were first notified that changes would be made on Oct. 3, 2001. The SLD did not formally announce the new Form 471 until Nov. 2, 2001, only four days before the Form 471 filing season opened on Nov. 6. In addition, the letter that the SLD sent all applicants in November 2000

about Year 4 provided no warning that the form would be changing. Also, the formal "Program Description" of the program, posted by the SLD in November 2000, made no mention of the change. In essence, we had no real knowledge of these changes as we were inundated with data and program documentation and chose to utilize the form filler method for completing the Form 471. We did this in good faith and through a software glitch not of our making, the wrong date appeared on our forms. Again, this minor infraction was remedied by turning the submission around within a day and SLD had the resubmitted form; but it was ruled as a new submission and late ... and as we just found out, Denied in Full.

Edgewood ISD structured our requirements and fulfilled all of the prerequisites via the Form 470. We completed our requirements, selected our vendors, and carefully completed all of the Form 471 objectives on time and within our timeframe. We used an E-Rate 2001 form filler software in completing these forms and due to a glitch in a new patch in the software, the state name was not transferred from the software to the hardcopy and the old form indicator (FCC Form 471 – September 1999) was imprinted on all of the pages. The data was correct and fully compliant with all the regulations. These two clerical errors, which could have been corrected within a 24-hour turnaround time, resulted in a full rejection of the Form 471.

The Schools and Libraries Universal Service support mechanism was established as part of the Telecommunications Act of 1996 with the express purpose of providing affordable access to telecommunications services for all eligible schools and libraries, particularly those in rural and economically disadvantaged areas. Edgewood ISD is in one of those economically disadvantaged areas qualifying for a 90% discount rate. The E-Rate program is all about supporting access by children to technology, not punishing them by technology. We are a small school district, less than 14 miles square, and cannot afford to lose this funding vehicle. We respectfully request you reconsider the decision to reject our submission and reinstate Edgewood ISD to our original submission date and use our corrected resubmission for continued processing.

Please understand that all of our originally provided data, prices, and forecasted projected costs were correctly submitted and entered in the software and printed on paper for SLD consideration. Unfortunately due to a flaw in our software, the correct form dates were not reflected as 2000. The need, the request, and the structured data are correct and have been resubmitted for your reconsideration. We ask you to set aside our rejection, accept our corrected submission, and allow our original filing date to stand. We have not changed our data or used the time for any other purpose but to reprint the forms using the patched software to comply with your required format.

We ask you to weigh our appeal with the rationale that we are doing good work with the E-Rate program; building a strong infrastructure foundation, upgrading our district technologies to incorporate educational delivery across the enterprise, and growing an instructional technology cadre of teachers to fully use our system for distributed learning, distance learning, and student oriented learning via the Internet. Our technology plans and goals are fully intertwined with our learning plans and goals, as spelled out in our Five Year Technology Plan and TEKS, Texas Essential Knowledge and Skills. Our students and teachers are finally using the fruits of the E-Rate program. Please allow us to continue with this essentially needed part of our program. Reinstate our submission date and accept our corrected Form 471 for what it really is, correcting a software computer glitch.

Thank you for your consideration and for accepting our appeal.

Yours truly,



David Ochoa
Management Team Administrator

Atch: Original Form 471 submission with barcode
Copy of Fund Year 4 Form 471 – Rejection Letter
Copies of the Form 471 first page showing the Texas omission
Copy of SLD postcard notification of receipt of resubmitted Form 471
Copy of USAC Administrator's Decision on Appeal – Funding Year 2000-2001, dated
July 26, 2001.

471 01-18-01 5400110

FCC Form 471

FY 04

NEC47101-18-0105400110

Approval by OMB

3060-0806

Schools and Libraries Universal Service Services Ordered and Certification Form 471

Estimated Average Burden Hours Per Response: 4 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (See www.sl.universalservice.org for filing this form online)

Applicant's Form Identifier: E4-471-00

(Create your own code to identify THIS Form 471)

Form 471 Application?

(To be inserted by Fund Administrator)

Block 1: Billed Entity Information

(The "Billed Entity" is the entity paying the bills for the services listed on this form.)

1	Name of Billed Entity (30 characters max.)	Edgewood ISD	
2	Funding Year: July 1, 2001 through June 30, 2002	3	Entity Number (up to 10 digits) 141553
4a	Street Address, P.O. Box, or Route Number 5358 W. Commerce		
	City San Antonio	State	Zip Code 78237 — 1354
b	Telephone Number (10 digits + ext.) (210) 444-4500 ext.		
c	Fax Number (10 digits) (210) 444-4548		
d	E-mail Address (50 characters max.) arichter@eisd.net		
5	Type of Applicant		
	<input type="checkbox"/>	Individual School (individual public or non-public school)	
	<input checked="" type="checkbox"/>	School District (LEA: public or non-public (e.g., diocesan) local district representing multiple schools)	
	<input type="checkbox"/>	Library (including library system, library branch, or library consortium applying as a library)	
	<input type="checkbox"/>	Consortium (intermediate service board, state network, special schools, etc.)	
	<input type="checkbox"/> Check here if any members of this consortium are ineligible non-governmental entities.		

6a	Contact Person's Name	Ed Richter	
	First, fill in every item of the Contact Person's information below that is different from Item 4, above.		
	Then check the box next to the preferred mode of contact. (At least one box MUST be checked.)		
b	<input type="checkbox"/> Street Address, P.O. Box, or Route Number	5358 W. Commerce St.	
	City San Antonio	State	Zip Code 78237 — 1354
c	<input type="checkbox"/> Telephone Number (10 digits + ext.)	(210) 444-4500 ext.	
d	<input type="checkbox"/> Fax Number (10 digits)	(210) 444-4548	
e	<input checked="" type="checkbox"/> E-mail Address (50 characters max.)	arichter@eisd.net	
f	Holiday/vacation contact information (optional): ??????????		

Block 2: Minor Modification to Existing Contract?

7	<input type="checkbox"/> Check ONLY if this Form 471 represents a minor modification, such as a modification of services, to a contract included in a Form 471 for which you already have a Receipt Acknowledgement Letter. Provide the data requested below, attach a Description of Services highlighting the modified service, and sign Block 6. Form 471 Application #: <input style="width: 150px;" type="text"/> Funding Request Number: <input style="width: 150px;" type="text"/> Minor modification requests can be filed MANUALLY only. Please see www.sl.universalservice.org for filing instructions.
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state name missing

Original Submission



Universal Service Administrative Company
Schools & Libraries Division

Fund Year 4 FORM 471-REJECTION LETTER

January 30, 2001

**ED RICHTER
EDGEWOOD ISD
5358 W. COMMERCE ST.
SAN ANTONIO, 78237-1354**

**Re: Applicant's Form Identifier: E4-471-00
Form 471 Application Number: 263799**

Dear Applicant:

This letter is your notification that the entire FCC Form 471, *Services Ordered and Certification Form*, you submitted did not meet Minimum Processing Standards and cannot be processed. *Your Form 471 is enclosed with this letter, which means that the Schools and Libraries Division (SLD) could not process any portion of it.* Below is an explanation of the specific reason(s) your Form 471 did not meet the Minimum Processing Standards:

- The Form 471 submitted is not the correct OMB-approved FCC Form 471 dated October 2000 in the lower right-hand corner of the form..
- Block 1, Item 4a, Street Address, P.O. Box, or Route Number (for Billed Entity) is incomplete on the Form 471 submitted.

If you disagree with this decision and you wish to appeal to the SLD, your appeal must be made in writing and received by us within 30 days of issuance of this letter. In your letter of appeal, please include: correct contact information for the appellant, information on the decision you are appealing, the specific Funding Request in question, a copy of this letter and an original authorized signature. Appeals sent by fax, e-mail or phone call cannot be processed. Please mail your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125-Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. You may also call our Client Service Bureau at 888-203-8100. While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC), by sending your notice of appeal to: FCC, Office of the Secretary, 445 12th Street, SW; 12th Street Lobby, SW; Washington, D.C. 20554. . Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. If you choose to file an appeal with the FCC, your appeal must be received no later than 30 days from the date on this letter.

Schools and Libraries Division
Universal Service Administrative Company

— FEB 1 A11:47

Enclosure:

(1) Form 471

EDGEWOOD ISD
PURCHASING DEPARTMENT



**Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, New Jersey 07981**

**EDGEWOOD ISD
ATTN: ED RICHTER
5358 W. COMMERCE ST.
SAN ANTONIO, TX 78237-1354**

Schools and Libraries Universal Service Services Ordered and Certification Form 471

Estimated Average Burden Hours Per Response: 4 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (See www.sl.universalservice.org for filing this form online.)

Applicant's Form Identifier: E4-471-00

(Create your own code to identify THIS Form 471)

Block 1: Billed Entity Information

(The "Billed Entity" is the entity paying the bills for the services listed on this form.)

1	Name of Billed Entity (30 characters max.)	Edgewood ISD		
2	Funding Year: July 1, 2001 through June 30, 2002	3	Entity Number (up to 10 digits) 141553	
4a	Street Address, P.O. Box, or Route Number	5358 W. Commerce		
	City	State	Zip Code	
	San Antonio	TX	78237 - 1354	
b	Telephone Number (10 digits + ext.) (210) 444-4500 ext. _____			
c	Fax Number (10 digits) (210) 444-4548			
d	E-mail Address (50 characters max.) arichter@eisd.net			
5	Type of Application	<input type="checkbox"/> School (public or non-public school) <input checked="" type="checkbox"/> School District (LEA, public or non-public (e.g., diocesan) local district representing multiple schools) <input type="checkbox"/> Library (library (i.e. outlet/branch, system)) <input type="checkbox"/> Consortium <input type="checkbox"/> Check here if any members of this consortium are ineligible non-governmental entities		
6a	Contact Person's Name Ed Richter			
	First, fill in every item of the Contact Person's information below that is different from Item 4, above.			
	Then check the box next to the preferred mode of contact. (At least one box MUST be checked.)			
b	<input type="checkbox"/> Street Address, P O Box, or Route Number	5358 W. Commerce St.		
	City	State	Zip Code	
	San Antonio	TX	78237 - 1354	
c	<input type="checkbox"/> Telephone Number (10 digits + ext.)	(210) 444-4500 ext. _____		
d	<input type="checkbox"/> Fax Number (10 digits)	(210) 444-4548		
e	<input checked="" type="checkbox"/> E-mail Address (50 characters max.)	arichter@eisd.net		
f	Holiday/vacation/summer contact information, ??????????			

Block 2: Minor Modification to Existing Contract?

7 ☐ Check if this Form 471 represents a minor modification, such as a modification of services, to a Form 471 for which you already have a Receipt Acknowledgement Letter. Provide the data requested below, attach a Description of Services highlighting the modified service, and sign Block 6.

Form 471 Application # Funding Request Number

Minor modification requests can be filed MANUALLY only. Please see www.sl.universalservice.org for filing instructions.

state name missing
also, but handwritten in. Re Submission

USAC

Schools and Libraries Division
P.O. Box 7026
3833 Greenway Drive
Lawrence, KS 66044-7026



U.S. POSTAGE

00.21

H METER 586998

JOELB SISKOVIC
EDGEWOOD ISD
5358 W. COMMERCE ST.
SAN ANTONIO, TX
78237-1354

ATTENTION:
2000-2001 E-RATE APPLICANTS
Applicant Form Identifier: E4-471-00

MAILING DATE:
July 9, 2001

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YOUR FORM 471 HAS BEEN RECEIVED – BUT AFTER THE JANUARY 18 WINDOW CLOSED

We're sending this card to thank you for your recent Form 471 application but to let you know that your application was received by the Schools and Libraries Division/USAC after the 2001-2002 filing window closed at 11:59 p.m. ET on January 18, 2001.

We are holding your application pending final processing of those applications which were received within the filing window. It has not yet been determined whether late-filed Form 471 applications will be considered for discount funding.

For more information about the processing of 2001-2002 applications, or about plans for the 2002-2003 application process, please visit our web site at www.sl.universalservice.org.

School and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

07-02-01 203:46

Qna

Administrator's Decision on Appeal - Funding Year 2001-2002

June 26, 2001

Noe Saucedo, Ph.D.
Edgewood Independent School District
5358 West Commerce
San Antonio, TX 78237

Urgent!
Let's meet on this:
- Mr. Kaur Hanthorn
- Mr. Lurie
- Mr. Conner
- Mr. Zogatz
- Nick Mays ??
- Joe Sircobit ??
Did Alton
7-7-01

Re: Billed Entity Number: 141553
471 Application Number: 263799
NCS Bar Code: NEC47101-18-0105400110
Funding Request Number(s): Application failed Minimum Processing Standards
Your Correspondence Dated: February 8, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 30-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

July 20, 2001
July 26, 2001

Funding Request Number: Application failed Minimum Processing Standards
Decision on Appeal: **Denied in full**
Explanation:

- You have stated on appeal that your software printed all the factual and correct data using the 1999 dated forms, rather than the 2000. Once notified, you introduced the patch again and printed the forms out correctly using the same data. Also, your state name, Texas, did not get printed out on the original form (although all the rest of the information in 4a did include the zip code).
- After thorough review of your appeal, it was determined from your originally submitted Form 471 application that the incorrect OMB-approved FCC Form 471 had been used in Funding Year Four. The lower right hand corner of this form shows September 1999 instead of October 2000. Also Block 1, Item 4a (State), was left blank for this application. These are the reasons why the application was rejected for

Minimum Processing Standards in Year 4. According to program rules the Form 471 is considered to be received when it has the required information necessary to pass Minimum Processing Standards. Since the Form 471 was not successfully completed, it was returned in accordance with program rules. In response to your request to reinstate Edgewood ISD to your original submission date and use your corrected resubmission for continued processing, please note that the Funding Year 4-window deadline for submitting all the revised Form 471 applications was January 18, 2001. Consequently, the SLD will not data enter your funding requests, and your appeal is denied in full.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted on the website at <www.universalservice.org>. **You must file your appeal with the FCC no later than 30 days from the date on this letter for your appeal to be filed in a timely fashion.**

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company